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Nour Dablan

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA**

NOUR DABLAN,

Plaintiff,

v.

**CMRE FINANCIAL
SERVICES, INC.,**

Defendant.

Case No.: _____

**COMPLAINT FOR DAMAGES
FOR VIOLATIONS OF:**

**FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. §§ 1692
ET SEQ.**

DEMAND FOR JURY TRIAL

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INTRODUCTION

1. This is a case about a debt collector who reported information to the credit bureaus that it knew was false.
2. **NOUR DABLAN** (“Plaintiff”), by her attorney, brings this action for actual damages, statutory damages, attorneys fees, and costs, against **CMRE FINANCIAL SERVICES, INC.** (“Defendant”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.
3. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to the Plaintiff, or to the Plaintiff’s counsel, which Plaintiff alleges on personal knowledge.
4. While many violations are described below with specificity, this Complaint alleges violations of the statutes cited in their entirety.
5. All violations by Defendant were knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violations.
6. Unless otherwise indicated, the use of a Defendant’s name in this Complaint includes all agents, principles, managing agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers of that Defendant named.

JURISDICTION AND VENUE

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States, and pursuant to 28 U.S.C. § 1367 for pendent state law claims.

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1 8. This action arises out of Defendant's violations Fair Debt Collection Practices
2 Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA").

3 9. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the acts and
4 transactions occurred here, Plaintiff resides here, and Defendant transacts
5 business here.

6 **FDCPA**

7 10. In enacting the FDCPA, Congress found that:

- 8 a. There is abundant evidence of the use of abusive, deceptive, and unfair debt
9 collection practices by many debt collectors. Abusive debt collection
10 practices contribute to the number of personal bankruptcies, to marital
11 instability, to the loss of jobs, and to invasions of individual privacy.
- 12 b. Existing laws and procedures for redressing these injuries are inadequate to
13 protect consumers.
- 14 c. Means other than misrepresentation or other abusive debt collection
15 practices are available for the effective collection of debts.
- 16 d. Abusive debt collection practices are carried on to a substantial extent in
17 interstate commerce and through means and instrumentalities of such
18 commerce. Even where abusive debt collection practices are purely intrastate
19 in character, they nevertheless directly affect interstate commerce.
- 20 e. It is the purpose of this title to eliminate abusive debt collection practice by
21 debt collectors, to insure that those debt collectors who refrain from using
22 abusive debt collection practices are not competitively disadvantaged, and to
23 promote consistent State action to protect Consumers against debt collection
24 abuses. 15 U.S.C. § 1692.

25 11. The FDCPA is a strict liability statute. That is, a plaintiff need not prove intent
26 or knowledge on the part of the debt collector to establish liability. *See*
27 *Gonzales v. Arrow Fin. Servs., LLC*, 660 F.3d 1055, 1060-61 (9th Cir. 2011);
28 *Donohue v. Quick Collect*, 592 F.3d 1027, 1030 ("[t]he FDCPA is a strict

1 liability statute that makes debt collectors liable for violations that are not
2 knowing or intentional”).

3 12. To further protect consumers, claims under the FDCPA are to be judged
4 according to the “least sophisticated debtor” or “least sophisticated consumer”
5 standard. *Gonzales* at 1061. This standard is lower than the “reasonable
6 debtor” standard, and is specifically designed to protect consumers of below
7 average and sophistication or intelligence. *Id.* In addition, a plaintiff need not
8 even have actually been misled or deceived by the debt collector’s
9 communication. Rather, liability depends on whether the *hypothetical* least
10 sophisticated debtor – someone who is uninformed and naïve – would have
11 likely been misled. *Id.*; *see also Tourgeman v. Collins Financial Servs.*, 755
12 F.3d 1109, 1119 (9th Cir. 2014).

13 PARTIES

14 13. Plaintiff is a natural person who resides in Fresno County, California. Plaintiff
15 is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

16 14. Defendant CMRE Financial Services, Inc. (hereinafter “Defendant CMRE”) is
17 a California corporation operating from an address of 3075 East Imperial
18 Highway Suite 200, Brea, CA 92821, and is a “Debt Collector” as that term is
19 defined by 15 U.S.C. § 1692a(6) because it regularly uses the mails and/or the
20 telephone to collect, or attempt to collect, directly or indirectly, defaulted
21 consumer debts that it did not originate. It operates a nationwide debt collection
22 business and attempts to collect debts from consumers in virtually every state,
23 including consumers in the State of California. Its principal, if not sole, business
24 purpose is the collection of defaulted consumer debts originated by others, and,
25 in fact was acting as a debt collector as to the delinquent consumer debt it
26 attempted to collect from Plaintiff.

27 FACTUAL ALLEGATIONS

28 15. Plaintiff is an individual residing in Fresno County, California.

16. Plaintiff is informed and believes, and thereon alleges, that at all times relevant, Defendant conducted and continues to conduct business in the State of California.

17. Defendant's business consists solely of the collection of delinquent consumer debts.

18. Defendant is seeking to collect from Plaintiff for a personal debt related to medical services.

19. On or about March 16, 2022, Plaintiff wrote to Defendant to let it know that she refused to pay the debt.

20. On or about March 22, 2022, Plaintiff received notification from the U.S. Postal Service that Experian had received her letter.

21. On or about March 28, 2022, Defendant nevertheless reported to at least one credit bureau that Plaintiff's account was disputed.

22. Defendant had never previously reported Plaintiff's debt as being disputed.

23. Plaintiff did not dispute the debt.

24. On information and belief, Defendant has, in the two years prior to the filing of this lawsuit, knowingly transmitted credit information that it knew to be inaccurate to multiple credit bureaus on multiple occasions.

ACTUAL DAMAGES

25. Plaintiff has suffered actual damages as a result of these illegal collection and intimidation tactics by this Defendant in the form of invasion of privacy, personal embarrassment, loss of personal reputation, loss of productive time, nausea, and feelings of fear, anxiety, hopelessness, anger, persecution, emotional distress, frustration, upset, humiliation, and embarrassment, amongst other negative emotions.

CAUSE OF ACTION CLAIMED BY PLAINTIFF

VIOLATION OF § 1692E OF THE FDCPA

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26. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

27. A debt collector violates § 1692e of the FDCPA when it uses any false, deceptive, or misleading representation or means in connection with the collection of any debt.

28. Defendant violated § 1692e when it, among other qualifying actions and omissions, willfully communicated credit information which it knew to be false.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for:

- a) Award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) (FDCPA), against Defendant and for Plaintiff, and,
- b) Award of statutory damages in the amount of \$1000.00 pursuant to 15 U.S.C. § 1692k(a)(1) (FDCPA) against Defendant and for Plaintiff, and,
- c) Award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(1) (FDCPA) against Defendant and for Plaintiff, and,
- d) Award to Plaintiff of such other and further relief as may be just and proper.

TRIAL BY JURY IS DEMANDED.

29. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted,

THE CARDOZA LAW CORPORATION

DATED: July 15, 2022

BY: /s/ MICHAEL F. CARDOZA
MICHAEL F. CARDOZA, ESQ.
LAUREN B. VEGGIAN, ESQ.
ATTORNEYS FOR PLAINTIFF
NOUR DABLAN

ELECTRONICALLY STORED INFORMATION REQUEST

This notice is to demand that you preserve all documents, tangible things and electronically stored information (“ESI”) potentially relevant to any issues in the above-entitled matter. This specifically includes, but is not limited to, all information pertaining to the above matter, including specifically all recordings of any telephone communication between your company and Plaintiff.

As used in this request, “you” and “your” or “your client” refers to your organizations, and its predecessors, successors in interest, assignees, parents, subsidiaries, divisions or affiliates, and their respective officers, directors, employees, servants, agents, attorneys, and accountants.

Much of the information subject to disclosure or responsive to discovery is stored on your client’s current and former computer systems and other media and devices (such as: personal digital assistants, voice-messaging systems, online repositories and cell phones).

Electronically stored information (“ESI”) should be afforded the broadest possible definition and includes (for example and not as an exclusive list) potentially relevant information whether electronically, magnetically or optically stored.

This preservation obligation extends beyond ESI in yours or your client’s care, possession or custody and includes ESI in the custody of others that is subject to your client’s direction or control. You must notify any current or former agent, attorney, employee, custodian or contractor in possession of potentially relevant ESI to preserve such ESI to the full extent of your client’s obligation to do so, and you must try to secure their compliance.